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ZILKA-KOTAB, PC

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Date: November 7, 2005	Phone Number	Fax Number
To: Commissioner of Patents, USPTO		(571) 273-8300
From: Dominic M. Kotab		

Docket No.: IBM1P008/SJ09-2001-0135US1

App. No: 09/938,457

Total Number of Pages Being Transmitted, Including Cover Sheet: 13

<p>Message:</p> <p>Please deliver to the Commissioner of Patents.</p> <p>Thank you,  Dominic M. Kotab</p>
--

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November 7, 2005

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of )

Robert G. BISKEBORN )

Group Art Unit: 3724 )

Application No. 09/938,457 )

Examiner: ELEY, Timothy V. )

Filed: 08/23/2001 )

Attorney Docket No. )

IBM1P008/SJO9-2001-0135US1 )

For: PIN ADAPTER FOR AIR )  
BEARING SURFACE (ABS) )  
LAPPING AND METHOD FOR )  
USING THE SAME )

Date: November 7, 2005 )

CERTIFICATE OF FACSIMILEI hereby certify that this correspondence is being facsimile  
transmitted to the Commissioner for Patents via facsimile to fax  
number: (571) 273-8309 on November 7, 2005.Signed: 

Erica L. Farlow

REQUEST FOR STATUS OF PETITION TO WITHDRAW HOLDING OF ABANDONMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests the status of the Petition to Withdraw Holding of Abandonment of the above-referenced patent application. The petition was filed on June 7, 2005, and no decision has been received as of this date. For your convenience we are submitting a copy of the petition as well as the Auto-Reply Facsimile Transmission sheet we received upon filing of the petition.

Should you have any questions, or require further assistance, please do not hesitate to contact the undersigned at the numbers listed below.

Respectfully submitted  
Zilka-Kotab, PCDominic M. Kotab  
Reg. No. 42,762P.O. Box 721120  
San Jose, CA 95172-1120  
(408) 971-2573

NOV 07 2005

**Fax Sender at 408 971 4660**

Date Received:

6/7/2005 5:10:34 PM [Eastern Daylight Time]

10 (including cover page)

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JUN 07 05 02:12p

**SVIPG**

408 831 6664

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## ZILKA-KOTAB

PC  
216MA, 207A, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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Date:	Aug 7, 2015	Page Number	Page Number
To:	Publics Division, USPTO		(703) 872-0365
From:	Donald M. Kozb		

DocId: 180417008507-0001-0125US1

App. No: 09/93R.457

Total Number of Pages Before Transmittal, including Cover Sheet: 10

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SAN JOSE, CA 95113TELEPHONE (408) 971-2573  
FAX (408) 971-4660**FAX COVER SHEET**

<b>Date:</b> June 7, 2005	<b>Phone Number</b>	<b>Fax Number</b>
<b>To:</b> Petitions Division, USPTO	(703) 872-9306	
<b>From:</b> Dominic M. Kotab		

**Docket No.:** IBM1P008/SJ09-2001-0135US1**App. No:** 09/938,457**Total Number of Pages Being Transmitted, Including Cover Sheet:** 10**Message:**

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Thank you,

Dominic M. Kotab

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June 7, 2005

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Practitioner's Docket No. IBM1P008/SJ0920010135US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert G. Biskeborn

Application No.: 09/938,457

Group No.: 11/04/2004

Filed: 08/23/2001

Examiner: Eley, Timothy V.

For: PIN ADAPTER FOR AIR BEARING SURFACE (ABS) LAPPING AND METHOD FOR USING THE SAME

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
— OFFICE ACTION NOT RECEIVED

1. In response to the Notice of Abandonment mailed 6/3/2005, I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
  - (a) The Office Action indicated, as mailed on November 4, 2004, was not received.
  - (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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— deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

— with sufficient postage as first class mail.

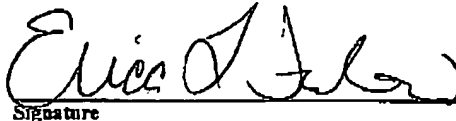
37 C.F.R. § 1.10\*

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Signature

Date:

6/7/2005

Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to Withdraw Holding of Abandonment—Office Action Not Received—page 1 of 2

3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. Please see page 2 of Exhibit A. This shows how the entry would have appeared on our docket.
4. As additional evidence of non-receipt of the Office Action, I also attach:  
  
Exhibit B is a copy of the PAIRConnect Patent Record which shows a direct comparison of the PTO Action Items on the PAIR system and the IP Master Actions listed in our docketing database. The PAIR column shows the mailing of the Non-Final Rejection on 11/04/2004, but there is no action noted as received on our side.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. The petition fee (37 C.F.R. § 1.17(h)-\$130.00) is paid as follows:

Should the Commissioner find that a fee is necessary, authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 09-0466 (Order No. SJ0920010135US1).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



Signature of Practitioner  
Dominic M. Kotab  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Reg. No.: 42,762  
Tel. No.: 408-971-2573  
Customer No.: 50535

NOV 07 2005



Practitioner's Docket No. IBM1P008/SJ0920010135US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert G. Biskeborn

Application No.: 09/938,457

Group No.: 11/04/2004

Filed: 08/23/2001

Examiner: Eley, Timothy V.

For: PIN ADAPTER FOR AIR BEARING SURFACE (ABS) LAPPING AND METHOD FOR USING THE SAME

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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Date

6/7/2005

  
Signature

Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



---

Signature of Practitioner  
Dominic M. Kotab  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Reg. No.: 42,762  
Tel. No.: 408-971-2573  
Customer No.: 50535



NOV 07 2005

Exhibit A



Patent: IBM1P008, United States, Regular, National,  
Original Filing

Patent Data

Docket No	IBM1P008	Senior Attorney	Dominic M. Kotab
Country	United States	Primary Attorney	
Case Type	Regular	Client/Division	International Business Machines
Relation Type	Original Filing	Current Owner	International Business Machines
Filing Type	National	Previous Owner	
Filing Number		Client Case No.	SJ09-2001-0135US1
Status	Filed	First Filing Date	8/23/2001
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	09/938,457	Application Date	8/23/2001
Patent Number		Grant Date	
Publication Number	2003-0040257	Publication Date	2/27/2003
Assigned	Assignment Recorded	Ind. Claims/Designs	0
Convention Type	No Foreign Filing	Total Claims	0
Req Not To Pub Incl	No	Total/Classes	
TaxAgent		Confirmation Number	
Firm Attorney		Tax Base Date	
Administrator		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Alt Case No	
Custom Party #6		Priority Date	
Custom Party #7		US Case No	
Custom Party #8		Custom Date #3	
Firm Case Number		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Confirm No	
Customer Code		Customer Name	Silicon Valley IP Group

Title

Pin Adapter For Air Bearing Surface (Abs) Lapping And Method For Using The Same

Description

Current Expense Information

Other Case-Related Information

Actions

Action Code	Action Due Date	Taken Date	Deadline Date	Completed Date	Post Card Received	Who	Action Notes
Recorded				2/28/2002		Dominic	To International Business Machines
Assignment Received						M. Kotab	Corporation

Office Action Mailed Date	9/10/2003	Dominic M. Kotab	
Office Action Mailed Date	1/29/2004	Dominic M. Kotab	
Office Action Mailed Date	4/13/2004	Dominic M. Kotab	
Filing Receipt	1/10/2002	Dominic M. Kotab	
Notice of missing parts mailed	9/26/2001	Dominic M. Kotab	
File Audit Date	10/26/2004		
Notes	5/6/2005		During an ongoing file audit, I found that PAIR showed a Restriction mailed on 11/4/2004. We never received this Restriction. The 6 month date was 5/4/2005.
→ Restriction mail date	11/4/2004	Dominic M. Kotab	If Document had been received ←
Assignment 10/23/2001	11/21/2001	Yes	Dominic M. Kotab (MDC Rule 5/7)
Information Disclosure Statement 10/23/2001	8/30/2001	Yes	Dominic M. Kotab (MDC Rule 6/13a-b)
Filing Receipt 11/23/2001	9/26/2001	Yes	Dominic M. Kotab (MDC Rule 2/52a-53a)
Notice of missing parts - final 11/26/2001	11/21/2001	Yes	Dominic M. Kotab
Publication 2/23/2003	2/27/2003		Dominic M. Kotab (MDC Rule 2/98)
Status Inquiry 8/23/2003	8/5/2003	Yes	Dominic M. Kotab Request for Status (MDC Rule 7/5a-7/13a)
Status Inquiry 10/5/2003	8/19/2003		Dominic M. Kotab This application will be examined in 0-3 months
Status OA? 11/19/2003	9/10/2003		Dominic M. Kotab
Office Action 3 mos. 12/10/2003	11/19/2003	Yes	Dominic M. Kotab Response to Restriction Requirement
Response Due 2/29/2004	2/23/2004		Dominic M. Kotab OA DEADLINE - Shortened Statutory Period
Status OA? 3/10/2004	1/29/2004		Dominic M. Kotab
Office Action 3 mos. 7/13/2004	7/12/2004	Yes	Dominic M. Kotab
Status OA? 7/29/2004	4/13/2004		Dominic M. Kotab
Check PAIR 8/12/2004	7/12/2004		Dominic M. Kotab Confirmed - Confirm receipt of Amendment A
Office Action 6 mos. 10/13/2004	7/12/2004		Dominic M. Kotab
Status OA? 10/13/2004			Dominic M. Kotab
→ Restriction 12/4/2004			Dominic M. Kotab If document had been received ←
Petition to Revive 5/11/2005	5/11/2005		Dominic M. Kotab Re-Docketed - Due to the restriction mailed 11/4/04 that we never received.
Petition to Revive 5/18/2005	5/18/2005		Dominic M. Kotab Re-Docketed- Date has passed- Due to the restriction mailed 11/4/04 that we never received.
Petition to Revive 5/25/2005			Dominic M. Kotab Due to the restriction mailed 11/4/04 that we never received.
Petition to 6/1/2005			Dominic M. Kotab Due to the restriction mailed 11/4/04 that

Revive  
Petition to  
Revive 6/8/2005

M. Kotab we never received.  
Dominic Due to the restriction mailed 11/4/04 that  
M. Kotab we never received.

**Inventors**

Inventor	Custom Text #2	Assignment Date	Inventor Date #2	Inventor 1	Inventor 2	Real Number 1	Real Number 2
Robert Glenn Biskeborn							

**Assignment**

Assignment1 Reel/Frame Assignment Date  
Assignment 012429/0241 1/3/2002

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CreateUser: conv

UpdateUser: Melissa

CreateDate: 3/14/2003

UpdateDate: 5/24/2005

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**BM1P008**

## IP MASTER

**PAIR**

	PAIR	ADJ	EST
Pre Issue Petition:			
Post Issue Pet:			
PTO Adjustment:			
PTO Delays:			322
Three Year Delay:			0
Applicant Delay:			0
Total PTA:			322

	Number	Date
Application	09938457	8/23/2001
Publication	US 2003-0040257	2/27/2003
Patent	-	
Status:	Non Final Action Mailed	
ClassSub:	451/008	GAU: 3724
Examiner:	ELEY, TIMOTHY V	
Location:	ELECTRONIC	

IP Master Actions	Date	PAIR Actions	PAIR PTO	APP	ADJUSTED PTO	APP	ESTIMATED PTO	APP	Corrected Date
Petition to Review	5/10/2005								
Petition to Revoke	5/11/2005								
Notes:	5/9/2005								
	5/7/2005	Correspondence Address Change							
	5/7/2005	Requirement for Restriction / Election							
	10/24/2004	Correspondence Address Change							
	10/24/2004	Workflow Incoming amendment IFW							
	7/12/2004	Response after Non-Final Action							
	7/12/2004	Reference capture on IDS							
Office Action 6 mos.	7/12/2004								
Office Action 3 mos.	7/12/2004								
Check PAIR	7/12/2004								
Status OK?	4/13/2004	Mail Non-Filing / Rejection							
Office Action Mailed Date	4/13/2004	Non-Final Rejection							
	4/13/2004	Date Forwarded to Examiner							
	2/23/2004	Response to Election / Restriction Filed							
Response Due	2/23/2004								
	4/13/2004	Mail Restriction Requirement							
Status OK?	4/13/2004								

5/24/2005 Page 2

**BM1P008**

## PAIRConnect Patent Record

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